

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PROFILE NETWORK, INC.,)	
d/b/a SPORTS PROFILES PLUS)	
)	
Plaintiff)	
)	
vs.)	No. 09 cv 7838
)	
PATHMARK STORES, INC.)	Honorable Harry D. Leinenweber
)	
Defendant.)	

MOTION

Now comes Plaintiff, Profile Network, Inc., d/b/a Sports Profiles Plus (SPP), and moves the Court for the entry of Judgment in the amount of \$62,800.00 against Pathmark Stores, Inc. (Pathmark) and in favor of SPP in accordance with Rule 68 of the Federal Rules of Civil Procedure and as reason therefor states:

1. On September 23, 2010 Pathmark sent an offer of judgment pursuant to Rule 68 for a Judgment in the amount of \$62,800.00 in payment of all amounts claimed by SPP. (Motion Exh. A)

2. On September 28, 2010, Norman Hanfling, one of the attorneys for SPP emailed SPP's acceptance of the offer of judgment to Amy Hansen, one of the attorneys for Pathmark. SPP also executed a formal acceptance of the offer. (Motion Exh. B)

3. The attorneys for Pathmark then notified Norman Hanfling that their client wished to have a Settlement and Release Agreement prepared which they would prepare. Norman Hanfling agreed to this procedure and on September 30, 2010 received a Settlement and Release Agreement which was signed on behalf of SPP and returned to Pathmark on that date. (Motion Exh. C)

4. Pathmark has failed and refused to pay the Accepted Offer of Settlement to SPP.
5. Because of the repeated failures of Pathmark to pay the agreed amount, and to comply with outstanding discovery requests, SPP filed a Motion for Sanctions.
6. Upon receipt of the Motion for Sanctions , Pathmark signed the Settlement and Release Agreement and had it forwarded it to the attorneys for SPP.
7. To date, even though Pathmark made an offer of judgment which was accepted pursuant to Rule 68 of the Rules of Civil Procedure and Pathmark and SPP have signed a Settlement and Release Agreement; Pathmark has failed and refused to pay to SPP the amount of \$62,800.00

WHEREFORE, Profile Network, Inc., d/b/a Sports Profile Plus asks the Court:

(A) to enter an Order of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure instant in favor of Profile Network, Inc. and against Pathmark Stores, Inc. in the sum of \$62,800.

(B) for sanctions in such amount as the Court may determine proper because of Pathmark's continuing refusal to comply with the discovery rules of this Court and its own offer of judgment.

Respectfully submitted,

Profile Network, Inc., d/b/a
Sports Profile Plus

By: /s/ Norman Hanfling
Norman Hanfling, its attorney

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